

FILED *a*

AUG - 3 2007

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT

DISTRICT OF IDAHO
U.S. COURTHOUSE, ROOM 400
BOX 039
550 WEST FORT STREET
BOISE, IDAHO 83724

CAMERON S. BURKE
CLERK

208/334-1361

MEMORANDUM

Date: July 30, 2007

CR-07-417-DCJ

To: U.S. District Court
District of Northern District of California

From: US District Court, State of Idaho
Darlene Smith, Deputy Clerk

Re: Case No.CR 91-56-S-HLR

Case Name: USA v Pirtle

This case has been transferred to your District per the enclosed order. Included from the case is a certified copy of the docket sheet, indictment, superseding indictment and judgment.

Please acknowledge receipt of the above and return the acknowledgment to the District of Idaho.

Received by:

Date Received:

Please return acknowledgment to:

Clerk, US District Court
District of Idaho
550 W Fort St
MSC 042
Boise, ID 83724

PROB 22
(Rev. 2/88)

DOCKET NUMBER (Tran. Court)

Cr. 91-56-S-HLR

DOCKET NUMBER (Rec. Court)

CR07-00417 D

TRANSFER OF JURISDICTION

NAME AND ADDRESS OF PROBATIONER/SUPERVISED RELEASEE Mark D. Pirtle	DISTRICT Idaho	DIVISION Boise
	NAME OF SENTENCING JUDGE Honorable Harold L. Ryan	
	DATES OF SUPERVISED RELEASE January 24, 2007	FROM TO January 23, 2012

OFFENSE

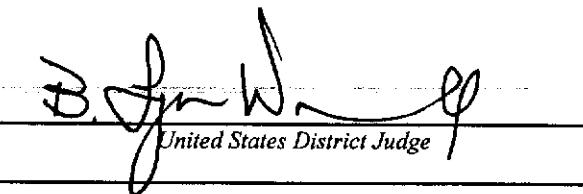
21 USC 846 & 841(a)(1) Conspiracy to Manufacture Methamphetamine
18 USC 924(c)(1) Use of a Firearm During Drug Trafficking Crime

ORIGINAL
 FILED
 JUN 29 2007
 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

PART 1 - ORDER TRANSFERRING JURISDICTION

UNITED STATES DISTRICT COURT FOR THE _____ DISTRICT OF IDAHO _____

IT IS HEREBY ORDERED that, pursuant to 18 U.S.C. 3605, the jurisdiction of the probationer or supervised releasee named above be transferred with the records of this Court to the United States District Court for the Northern District of California upon that Court's order of acceptance of jurisdiction. This Court hereby expressly consents that the period of probation or supervised release may be changed by the District Court to which this transfer is made without further inquiry of this court.*

6/19/2007
Date

 United States District Judge

*This sentence may be deleted in the discretion of the transferring Court.

PART 2 - ORDER ACCEPTING JURISDICTION

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

IT IS HEREBY ORDERED that jurisdiction over the above-named probationer/supervised releasee be accepted and assumed by this Court from and after the entry of this order.

RECEIVED
 JUL 2 2007
 U.S. PROBATION OFFICE
 NORTHERN DIST. CALIF.
 OAKLAND

June 27, 2007
Effective Date

 United States District Judge
Taylor

UNITED STATES DISTRICT COURT
District of Idaho

DISTRICT COURT
U.S. BANKRUPTCY COURT

MAY 12 A 11:49

UNITED STATES OF AMERICA

v.

RECEIVED CLERK FILED JULY 12 1994
CAMERON S. BURKE,
Case Number CR 91-056-SHLR IDAHO

MARK D. PIRTE
Defendant.

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

The defendant, MARK D. PIRTE, was represented by David Manweiler.

The defendant was found guilty on count(s) 1, 9 after a plea of not guilty. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

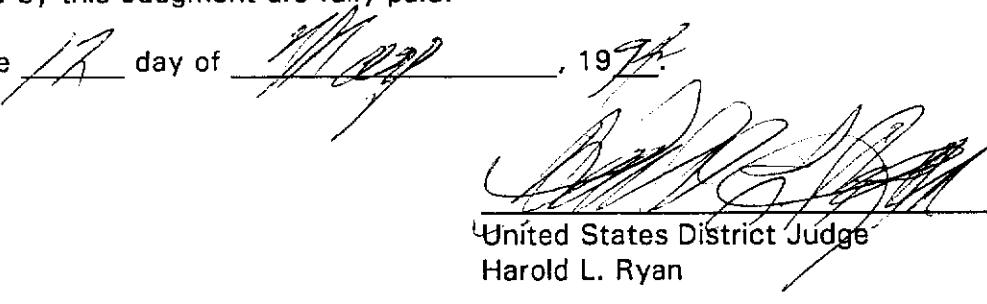
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
21 USC 846, 841(a)(1)	Conspiracy to mfg. methamphetamine		1
18 USC 924(c)(1)	Use of a firearm during drug trafficking crime		9

As pronounced on May 12, 1994, the defendant is sentenced as provided in pages 2 through 6 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 100.00, for count(s) 1, 9, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 12 day of May, 1994.


United States District Judge
Harold L. Ryan

I hereby certify that the annexed instrument is a true and correct copy of the original on file in my office.

Dated the 12 day of July, 1994
CLERK, U.S. DISTRICT COURT

By A. M. DeLoach Deputy

Judgment--Page 2 of 5

Defendant: MARK D. PIRTLE
Case Number: CR 91-056 S HLR

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 151 months on count one, and 60 months on count nine. These sentences are to run consecutively.

The defendant is remanded to the custody of the United States Marshal.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this Judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: MARK D. PIRTLE
Case Number: CR 91-056 S HLR

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 5 years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. If ordered to the custody of the Bureau of Prisons, the defendant shall report in person to the probation office in which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.

Participate in a program of drug aftercare, which may include urine testing, as directed by the probation officer.

Submit to a search of your person, residence, or automobile as directed by your probation officer, and you shall submit to the seizure of any contraband found therein.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this Judgment:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

Judgment--Page 4 of 5

Defendant: MARK D. PIRTLE
Case Number: CR 91-056 S HLR

FINE

The defendant shall pay a fine of \$ 13,875.00. This fine includes any costs of incarceration and supervision. Any amount of this fine which remains unpaid at the commencement of the term of supervised release shall be paid to the Clerk of the Court, 550 W. Fort St., MSC 39, Boise, ID 83724, on a monthly payment schedule as directed by the probation officer.

The Court has determined that the defendant does not have the ability to pay interest, and it is accordingly ordered that the interest requirement is waived, and any interest required from the previous sentence of July 9, 1992, is exonerated.

This fine (plus any interest required) shall be paid immediately.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: MARK D. PIRTEL
Case Number: CR 91-056 S HLR

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

Guideline Range Determined by the Court:

Total Offense Level:	34
Criminal History Category:	I
Imprisonment Range:	151 months to 188 months
Supervised Release Range:	3 to 5 years
Fine Range:	\$ 17,500 to \$ 4,000,000
Restitution:	\$

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s): The defendant has been a model prisoner and the court feels a sentence at the bottom of the range is appropriate.

FILED
U.S. DISTRICT COURT
APR 26 1972 A-9-22
DISTRICT OF LOUISIANA
CAMERON S. BURKE

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,
vs.
PETER CHARLES ACUNA; ROBERT
VICKERY; RENEE LYNN WHITE,
aka RENEE LYNN VICKERY;
SANDRA ANN MARSHALL, aka
SANDRA ANN ACUNA; and
MARK PIRTLE,
Defendants.

CR No. 91-056-S-HLR

SUPERSEDING INDICTMENT

21 U.S.C. 846
21 U.S.C. 841(a)(1)
21 U.S.C. 841(b)(1)(B)
21 U.S.C. 841(d)(2)
18 U.S.C. 922(g)(1)
18 U.S.C. 924(c)(1)
21 U.S.C. 843(b)

The Grand Jury charges:

COUNT ONE

(Vio. 21 USC 846; 841(a)(1))

21 THAT between the dates of April 1, 1991 and May 12, 1991,
22 within the District of Idaho and in various other districts, PETER
23 CHARLES ACUNA, ROBERT VICKERY, RENEE LYNN WHITE, aka RENEE LYNN
24 VICKERY, SANDRA ANN MARSHALL, aka SANDRA ANN ACUNA, and MARK
25 PIRTLE, defendants herein, did combine, conspire, confederate and

27 | SUPERSEDING INDICTMENT - PAGE 1

68

1 agree with each other, and with other persons, both known and
2 unknown to the Grand Jury, to manufacture methamphetamine, a
3 Schedule II Controlled Substance, in violation of Title 21, United
4 States Code, Section 841(a)(1), all in violation of Title 21,
5 United States Code, Section 846.

6 In furtherance of the conspiracy, and to effect the objects
7 thereof, in the District of Idaho and elsewhere, one or more of the
8 defendants committed, or caused to be committed, overt acts,
9 including but not limited to the following:

OVERT ACTS

12 1. On or about April 17, 1991, PETER CHARLES ACUNA contacted
13 Mike Lusk, an agent of the Idaho Bureau of Narcotics, to inquire
14 about the availability of hydriodic acid, a chemical used in the
15 manufacture of methamphetamine.

16 2. On or about April 18, 1991, PETER CHARLES ACUNA contacted
17 Dave Kynoch, an agent of the Idaho Bureau of Narcotics, to inquire
18 about the availability of hydriodic acid.

19 3. On or about April 19, 1991, at approximately 10:40 a.m.,
20 PETER CHARLES ACUNA and SANDRA ANN MARSHALL, aka SANDRA ANN ACUNA,
21 met with Agent Dave Kynoch and discussed the purchase of ten
22 gallons of hydroiodic acid.

23 4. On or about April 19, 1991, at approximately 5:10 p.m.,
24 PETER CHARLES ACUNA and SANDRA ANN MARSHALL, aka SANDRA ANN ACUNA,
25 met with Agent Dave Kynoch and purchased ten gallons of hydroiodic

27 | SUPERSEDING INDICTMENT - PAGE 2

1 acid for \$2,400.00. The future purchase of additional chemicals
2 was also discussed.

3 5. On or about May 6, 1991, at approximately 12:58 p.m.,
4 PETER CHARLES ACUNA telephoned Agent Dave Kynoch and discussed the
5 purchase of chemicals used in the manufacture of methamphetamine.

6 6. On or about May 6, 1991, at approximately 3:55 p.m.,
7 PETER CHARLES ACUNA telephoned Agent Dave Kynoch and ordered
8 chemicals used in the manufacture of methamphetamine.

9 7. On or about May 7, 1991, at approximately 10:30 a.m.,
10 PETER CHARLES ACUNA telephoned Agent Dave Kynoch and discussed the
11 purchase of additional chemicals used in the manufacture of
12 methamphetamine.

13 8. On or about May 7, 1991, at approximately 7:55 p.m.,
14 PETER CHARLES ACUNA telephoned Agent Dave Kynoch and discussed the
15 purchase of additional chemicals used in the manufacture of
16 methamphetamine.

17 9. On or about May 7, 1991, RENEE LYNN WHITE, aka RENEE LYNN
18 VICKERY, and ROBERT VICKERY withdrew \$7,000.00 from a bank account
19 to finance the purchase of chemicals used in the manufacture of
20 methamphetamine.

21 10. On or about May 9, 1991, at approximately 5:35 p.m.,
22 PETER CHARLES ACUNA telephoned Agent Dave Kynoch from Nevada and
23 advised Kynoch of his travel plans to Boise.

24

25

26

27 SUPERSEDING INDICTMENT - PAGE 3

28

1 11. On or about May 9, 1991, PETER CHARLES ACUNA carried or
2 used a 9mm Browning Hi-Power semi-automatic pistol in traveling
3 from California.

4 12. On or about May 9, 1991, MARK PIRTLE used or carried a
5 .32 caliber Deutsche Werke semi-automatic pistol in traveling from
6 California.

7 13. On or about May 10, 1991, at approximately 5:23 p.m.,
8 SANDRA ANN MARSHALL, aka SANDRA ANN ACUNA, contacted Agent Dave
9 Kynoch to inform him that PETER CHARLES ACUNA had been arrested in
10 Winnemucca, Nevada.

11 14. On or about May 10, 1991, RENEE LYNN WHITE, aka RENEE
12 LYNN VICKERY, and ROBERT VICKERY posted bail for PETER CHARLES
13 ACUNA in Winnemucca, Nevada.

14 15. On or about May 10, 1991, at approximately 10:35 p.m.,
15 SANDRA ANN MARSHALL, aka SANDRA ANN ACUNA, telephoned Agent Dave
16 Kynoch to inform him of developments regarding ACUNA's arrest.

17 16. On or about May 11, 1991, at approximately 10:30 a.m.,
18 PETER CHARLES ACUNA telephoned Agent Dave Kynoch to discuss his
19 release from jail and plans to continue to Boise.

20 17. On or about May 11, 1991, PETER CHARLES ACUNA, ROBERT
21 VICKERY and RENEE LYNN WHITE, aka RENEE LYNN VICKERY, traveled to
22 Nampa, Idaho.

23 18. On or about May 11, 1991, at approximately 4:00 p.m.,
24 PETER CHARLES ACUNA rented rooms 116 and 117, Shilo Inn, Nampa
25 Boulevard, Nampa, Idaho.

26
27 SUPERSIDING INDICTMENT - PAGE 4
28

1 19. On or about May 11, 1991, RENEE LYNN WHITE, aka RENEE
2 LYNN VICKERY, and ROBERT VICKERY took possession of room 116, Shilo
3 Inn, Nampa Boulevard, Nampa, Idaho.

4 20. On or about May 11, 1991, at approximately 5:03 p.m.,
5 PETER CHARLES ACUNA telephoned Agent Dave Kynoch to arrange a
6 meeting place for ACUNA's purchase of chemicals.

7 21. On or about May 11, 1991, at approximately 6:20 p.m.,
8 PETER CHARLES ACUNA met with Agent Dave Kynoch and showed Kynoch
9 the cash to be used for the chemical purchase.

10 22. On or about May 11, 1991, at approximately 7:53 p.m.,
11 PETER CHARLES ACUNA met Agent Dave Kynoch at the Stage Stop Truck
12 Stop to complete the chemical purchase.

13 23. On or about May 11, 1991, PETER CHARLES ACUNA took
14 possession of approximately ten pounds of ephedrine, 15 gallons of
15 hydriodic acid, three liters of methylamine, 10 pounds of
16 phenylacetic acid, and 50 pounds of caustic soda, from Agent
17 Kynoch. In exchange, ACUNA delivered approximately \$5,500.00 in
18 cash and three pounds of marijuana to Agent Dave Kynoch.

19 24. On or about May 11, 1991, PETER CHARLES ACUNA carried a
20 loaded 9mm Browning Hi-Power semi-automatic pistol during the
21 chemical purchase and marijuana delivery.

22 25. On or about May 11, 1991, PETER CHARLES ACUNA and Agent
23 Kynoch discussed future chemical transactions in which ACUNA would
24 provide quantities of methamphetamine to Agent Kynoch in exchange
25 for chemicals used to manufacture additional methamphetamine.

26
27 SUPERSEDING INDICTMENT - PAGE 5
28

1 26. On or about May 11, 1991, ROBERT VICKERY and RENEE LYNN
2 WHITE, aka RENEE LYNN VICKERY, possessed methamphetamine with the
3 intent to distribute.

4 27. That on or about May 11, 1991, ROBERT VICKERY and RENEE
5 LYNN WHITE, aka RENEE LYNN VICKERY, possessed marijuana with the
6 intent to distribute.

COUNT TWO

That on or about April 19, 1991, within the District of Idaho,
10 PETER CHARLES ACUNA and SANDRA ANN MARSHALL, aka SANDRA ANN ACUNA,
11 defendants herein, did willfully and intentionally possess a listed
12 chemical, namely: hydriodic acid, knowing, or having reasonable
13 cause to believe, that the hydriodic acid would be used to
14 manufacture methamphetamine, in violation of Title 21, United
15 States Code, Section 841(a)(1), all in violation of Title 21,
16 United States Code, Section 841(d)(2).

COUNT THREE
(Vic. 21 USC 843(b))

20 That on or about May 10, 1991, at approximately 5:23 p.m.,
21 within the District of Idaho and elsewhere, **SANDRA ANN MARSHALL**,
22 aka **SANDRA ANN ACUNA**, defendant herein, did knowingly and
23 intentionally use a communication facility, that is, a telephone,
24 to commit or cause or facilitate the commission of the crime of
25 conspiracy to manufacture methamphetamine, as charged in Count One.

27 | SUPERSEDING INDICTMENT - PAGE 6

1 and/or the crime of possessing listed chemicals, as charged in
2 Counts Ten, Eleven, Twelve or Thirteen, all of which are felonies
3 under the provisions of Title 21, United States Code; all in
4 violation of Title 21, United States Code, Section 843(b).

COUNT FOUR
(Vio. 21 USC 843(b))

That on or about May 10, 1991, at approximately 10:35 p.m.,
within the District of Idaho and elsewhere, SANDRA ANN MARSHALL,
aka SANDRA ANN ACUNA, defendant herein, did knowingly and
intentionally use a communication facility, that is, a telephone,
to commit or cause or facilitate the commission of the crime of
conspiracy to manufacture methamphetamine, as charged in Count One,
and/or the crime of possessing listed chemicals, as charged in
Counts Ten, Eleven, Twelve or Thirteen, all of which are felonies
under the provisions of Title 21, United States Code; all in
violation of Title 21, United States Code, Section 843(b).

COUNT FIVE

20 That on or about May 11, 1991, within the District of Idaho,
21 PETER CHARLES ACUNA, defendant herein, did knowingly and
22 intentionally distribute marijuana, a Schedule I Controlled
23 Substance, to Idaho Bureau of Narcotics Agent Dave Kynoch, in
24 violation of Title 21, United States Code, Section 841(a)(1).

27 | SUPERSIDING INDICTMENT - PAGE 7

COUNT SIX

That on or about May 11, 1991, within the District of Idaho,
ROBERT VICKERY and RENEE LYNN WHITE, aka RENEE LYNN VICKERY,
defendants herein, did knowingly and intentionally possess 100
grams or more of a mixture or substance containing a detectable
amount of methamphetamine, a Schedule II Controlled Substance, with
the intent to distribute, in violation of Title 21, United States
Code, Sections 841(a)(1) and 841(b)(1)(B).

COUNT SEVEN

12 That on or about May 11, 1991, within the District of Idaho,
13 ROBERT VICKERY and RENEE LYNN WHITE, aka RENEE LYNN VICKERY,
14 defendants herein, did knowingly and intentionally possess
15 marijuana, a Schedule I Controlled Substance, with the intent to
16 distribute, in violation of Title 21, United States Code, Section
17 841(a)(1).

COUNT EIGHT

That on or about May 11, 1991, within the District of Idaho,
PETER CHARLES ACUNA, defendant herein, knowingly used and/or
carried a firearm, that is: a 9mm Browning Hi-Power semi-automatic
pistol, during and in relation to the drug trafficking crimes
described in Counts One, Five, Ten, Eleven, Twelve and Thirteen

SUPERSEDING INDICTMENT - PAGE 8

1 hereof, in violation of Title 18, United States Code, Section
2 924(c)(1).

COUNT NINE

That on or between May 9, 1991, and May 11, 1991, within the District of Idaho and elsewhere, MARK PIRTLE, defendant herein, knowingly used and/or carried a firearm, that is: a .32 caliber Deutsche Werke semi-automatic pistol and/or a 9mm Browning Hi-Power semi-automatic pistol, during and in relation to the drug trafficking crime described in Count One hereof, in violation of Title 18, United States Code, Section 924(c)(1).

COUNT TEN
(Vic. 18 USC 922(g)(1))

15 That on or about May 11, 1991, within the District of Idaho,
16 PETER CHARLES ACUNA, defendant herein, did unlawfully possess, in
17 or affecting commerce, a firearm, namely: a 9mm Browning Hi-Power
18 semi-automatic pistol, said ACUNA having previously been convicted
19 of crimes punishable by imprisonment for a term exceeding one year,
20 to wit: on or about December 28, 1976, in Eldorado County Superior
21 Court, California, for the crime of Assault With a Deadly Weapon;
22 on or about July 22, 1977, in Sacramento County Superior Court,
23 California, for the crime of Forgery; and/or on or about May 11,
24 1981, in Clark County, Washington, for the crimes of robbery in the
25 first degree, assault in the second degree and possession of stolen

SUPERSEDING INDICTMENT - PAGE 9

1 property; all in violation of Title 18, United States Code, Section
2 922(g)(1).
3

4 COUNT ELEVEN
5 (Vio. 21 USC 841(d)(2))

6 That on or about May 11, 1991, within the District of Idaho,
7 PETER CHARLES ACUNA, defendant herein, did willfully and
8 intentionally possess a listed chemical, namely: hydriodic acid,
9 knowing, or having reasonable cause to believe that the hydriodic
acid would be used to manufacture methamphetamine, in violation of
10 Title 21, United States Code, Section 841(a)(1), all in violation
11 of Title 21, United States Code, Section 841(d)(2).
12

13 COUNT TWELVE
14 (Vio. 21 USC 841(d)(2))

15 That on or about May 11, 1991, within the District of Idaho,
16 PETER CHARLES ACUNA, defendant herein, did willfully and
17 intentionally possess a listed chemical, namely: ephedrine,
18 knowing, or having reasonable cause to believe that the ephedrine
19 would be used to manufacture methamphetamine, in violation of Title
20 21, United States Code, Section 841(a)(1), all in violation of
21 Title 21, United States Code, Section 841(d)(2).
22

23 COUNT THIRTEEN
24 (Vio. 21 USC 841(d)(2))

25 That on or about May 11, 1991, within the District of Idaho,
26 PETER CHARLES ACUNA, defendant herein, did willfully and
27 SUPERSEDING INDICTMENT - PAGE 10
28

1 intentionally possess a listed chemical, namely: methylamine,
2 knowing, or having reasonable cause to believe, that the
3 methylamine would be used to manufacture methamphetamine, in
4 violation of Title 21, United States Code, Section 841(a)(1), all
5 in violation of Title 21, United States Code, Section 841(d)(2).
6

7 COUNT FOURTEEN
8 (Vio. 21 USC 841(d)(2))

9 That on or about May 11, 1991, within the District of Idaho,
10 PETER CHARLES ACUNA, defendant herein, did willfully and
11 intentionally possess a listed chemical, namely: phenylacetic acid,
12 knowing, or having reasonable cause to believe that the methylamine
13 would be used to manufacture methamphetamine, in violation of Title
14 21, United States Code, Section 841(a)(1), all in violation of
15 Title 21, United States Code, Section 841(d)(2).

16 A TRUE BILL:

17 
18 _____
19 FOREMAN

20 MAURICE O. ELLSWORTH
21 United States Attorney

22 
23 MONTE J. STILES
24 Assistant United States Attorney

25
26
27 SUPERSEDING INDICTMENT - PAGE 11
28

FILED
U.S. DISTRICT COURT

周易 16 P 3/17

DISTRICT OF IDAHO
CAMERON S. BURKE

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA

GR 91-056-S-HLR

INDICTMENT

-VS-

- 21 U.S.C. 846
- 21 U.S.C. 841(a)(1)
- 21 U.S.C. 841(b)(1)(B)
- 21 U.S.C. 841(d)(2)
- 18 U.S.C. 922(g)(1)
- 18 U.S.C. 924(c)(1)
- 21 U.S.C. 843(b)

PETER CHARLES ACUNA; ROBERT VICKERY; RENEE LYNN WHITE,
aka RENEE LYNN VICKERY;
SANDRA ANN MARSHALL, aka
~~SANDRA ANN ACUNA~~, and
MARK PIRTLE.

Defendants.

The Grand Jury charges:

COUNT ONE

(Vio. 21 USC 846; 841(a)(1))

21 THAT between the dates of April 1, 1991 and May 12, 1991,
22 within the District of Idaho, and in various other districts, PETER
23 CHARLES ACUNA, ROBERT VICKERY, RENEE LYNN WHITE, aka RENEE LYNN
24 VICKERY, SANDRA ANN MARSHALL, aka SANDRA ANN ACUNA, and MARK
25 PIRTLE, defendants herein, did combine, conspire, confederate and
26 agree with each other, and with other persons, both known and

INDICTMENT - PAGE 1

1 unknown to the Grand Jury, to manufacture methamphetamine, a
2 Schedule II Controlled Substance, in violation of Title 21, United
3 States Code, Section 841(a)(1), all in violation of Title 21,
4 United States Code, Section 846.

5 In furtherance of the conspiracy, and to effect the objects
6 thereof, in the District of Idaho and elsewhere, one or more of the
7 defendants committed, or caused to be committed, overt acts,
8 including but not limited to the following:

9

10 OVERT ACTS

11 1. On or about April 17, 1991, PETER CHARLES ACUNA contacted
12 Mike Lusk, an agent of the Idaho Bureau of Narcotics, to inquire
13 about the availability of hydriodic acid, a chemical used in the
14 manufacture of methamphetamine.

15 2. On or about April 18, 1991, PETER CHARLES ACUNA contacted
16 Dave Kynoch, an agent of the Idaho Bureau of Narcotics, to inquire
17 about the availability of hydriodic acid.

18 3. On or about April 19, 1991, at approximately 10:40 a.m.,
19 PETER CHARLES ACUNA and SANDRA ANN MARSHALL, aka SANDRA ANN ACUNA,
20 met with Agent Dave Kynoch and discussed the purchase of ten
21 gallons of hydriodic acid.

22 4. On or about April 19, 1991, at approximately 5:10 p.m.,
23 PETER CHARLES ACUNA and SANDRA ANN MARSHALL, aka SANDRA ANN ACUNA,
24 met with Agent Dave Kynoch and purchased ten gallons of hydriodic
25 acid for \$2,400. The future purchase of additional chemicals was
26 also discussed.

27 **INDICTMENT - PAGE 2**

28

1 5. On or about May 6, 1991, at approximately 12:58 p.m.,
2 PETER CHARLES ACUNA telephoned Agent Dave Kynoch and discussed the
3 purchase of chemicals used in the manufacture of methamphetamine.

4 6. On or about May 6, 1991, at approximately 3:55 p.m.,
5 PETER CHARLES ACUNA telephoned Agent Dave Kynoch and ordered
6 chemicals used in the manufacture of methamphetamine.

7 7. On or about May 7, 1991, at approximately 10:30 a.m.,
8 PETER CHARLES ACUNA telephoned Agent Dave Kynoch and discussed the
9 purchase of additional chemicals used in the manufacture of
10 methamphetamine.

11 8. On or about May 7, 1991, at approximately 7:55 p.m.,
12 PETER CHARLES ACUNA telephoned Agent Dave Kynoch and discussed the
13 purchased of additional chemicals used in the manufacture of
14 methamphetamine.

15 9. On or about May 7, 1991, RENEE LYNN WHITE, aka RENEE LYNN
16 VICKERY, and ROBERT VICKERY withdrew \$7,000.00 from a bank account
17 to finance the purchase of chemicals used in the manufacture of
18 methamphetamine.

19 10. On or about May 9, 1991, at approximately 5:35 p.m.,
20 PETER CHARLES ACUNA telephoned Agent Dave Kynoch from Nevada and
21 advised Kynoch of his travel plans to Boise.

22 11. On or about May 10, 1991 at approximately 5:23 p.m.,
23 SANDRA ANN MARSHALL, aka SANDRA ANN ACUNA, contacted Agent Dave
24 Kynoch to inform him that PETER CHARLES ACUNA had been arrested in
25 Winnemucca, Nevada.

26

27 INDICTMENT - PAGE 3

28

1 12. On or about May 10, 1991, RENEE LYNN WHITE, aka RENEE
2 LYNN VICKERY, and ROBERT VICKERY posted bail for PETER CHARLES
3 ACUNA in Winnemucca, Nevada.

4 13. On or about May 10, 1991, at approximately 10:35 p.m.,
5 SANDRA ANN MARSHALL, aka SANDRA ANN ACUNA, telephoned Agent Dave
6 Kynoch to inform him of developments regarding ACUNA's arrest.

7 14. On or about May 11, 1991, at approximately 10:30 a.m.,
8 PETER CHARLES ACUNA telephoned Agent Dave Kynoch to discuss his
9 release from jail and plans to continue to Boise.

10 15. On or about May 11, 1991, PETER CHARLES ACUNA, ROBERT
11 VICKERY and RENEE LYNN WHITE, aka RENEE LYNN VICKERY, traveled to
12 Nampa, Idaho.

13 16. On or about May 11, 1991, at approximately 4:00 p.m.,
14 PETER CHARLES ACUNA rented rooms 116 and 117, Shilo Inn, Nampa
15 Boulevard, Nampa, Idaho.

16 17. On or about May 11, 1991, RENEE LYNN WHITE, aka RENEE
17 LYNN VICKERY, and ROBERT VICKERY took possession of room 116, Shilo
18 Inn, Nampa Boulevard, Nampa, Idaho.

19 18. On or about May 11, 1991, at approximately 5:03 p.m.,
20 PETER CHARLES ACUNA telephoned Agent Dave Kynoch to arrange a
21 meeting place for ACUNA's purchase of chemicals.

22 19. On or about May 11, 1991, at approximately 6:20 p.m.,
23 PETER CHARLES ACUNA met with Agent Dave Kynoch and showed Kynoch
24 the cash to be used for the chemical purchase.

1 20. On or about May 11, 1991, at approximately 7:53 p.m.,
2 PETER CHARLES ACUNA met Agent Dave Kynoch at the Stage Stop Truck
3 Stop to complete the chemical purchase.

4 21. On or about May 11, 1991, PETER CHARLES ACUNA took
5 possession of approximately ten pounds of ephedrine, 15 gallons of
6 hydroiodic acid, three liters of methylamine, 10 pounds of
7 phenylacetic acid, and 50 pounds of caustic soda, from Agent
8 Kynoch. In exchange, ACUNA delivered approximately \$5,500.00 in
9 cash and three pounds of marijuana to Agent Dave Kynoch.

10 22. On or about May 11, 1991, PETER CHARLES ACUNA carried a
11 loaded 9mm Browning Hi-Power semi-automatic pistol during the
12 chemical purchase and marijuana delivery.

13 23. On or about May 11, 1991, PETER CHARLES ACUNA and Agent
14 Kynoch discussed future chemical transactions in which ACUNA would
15 provide quantities of methamphetamine to Agent Kynoch in exchange
16 for chemicals used to manufacture additional methamphetamine.

17 24. On or about May 11, 1991, ROBERT VICKERY and RENEE LYNN
18 WHITE, aka RENEE LYNN VICKERY, possessed methamphetamine with the
19 intent to distribute.

20 25. That on or about May 11, 1991, ROBERT VICKERY and RENEE
21 LYNN WHITE, aka RENEE LYNN VICKERY, possessed marijuana with the
22 intent to distribute.

COUNT TWO

That on or about April 19, 1991, within the District of Idaho, PETER CHARLES ACUNA and SANDRA ANN MARSHALL, aka SANDRA ANN ACUNA, defendants herein, did willfully and intentionally possess a listed chemical, namely: hydriodic acid, knowing, or having reasonable cause to believe that the hydriodic acid would be used to manufacture methamphetamine, in violation of Title 21, United States Code, Section 841(a)(1), all in violation of Title 21, United States Code, Section 841(d)(2).

COUNT THREE
(Vio. 21 USC 843(b))

13 That on or about May 10, 1991, at approximately 5:23 p.m.,
14 within the District of Idaho and elsewhere, SANDRA ANN MARSHALL,
15 aka SANDRA ANN ACUNA, defendant herein, did knowingly and
16 intentionally use a communication facility, that is, a telephone,
17 to commit or cause or facilitate the commission of the crime of
18 conspiracy to manufacture methamphetamine, as charged in Count One,
19 and/or the crime of possessing listed chemicals, as charged in
20 Counts 10, 11, 12 or 13, all of which are felonies under the
21 provisions of Title 21, United States Code; all in violation of
22 Title 21, United States Code, Section 843(b)

INDICTMENT - PAGE 6

1 **COUNT FOUR**
2 (Vio. 21 USC 843(b))

3 That on or about May 10, 1991, at approximately 10:35 p.m.,
4 within the District of Idaho and elsewhere, **SANDRA ANN MARSHALL**,
5 aka **SANDRA ANN ACUNA**, defendant herein, did knowingly and
6 intentionally use a communication facility, that is, a telephone,
7 to commit or cause or facilitate the commission of the crime of
8 conspiracy to manufacture methamphetamine, as charged in Count One,
9 and/or the crime of possessing listed chemicals, as charged in
10 Counts 10, 11, 12 or 13, all of which are felonies under the
11 provisions of Title 21, United States Code; all in violation of
12 Title 21, United States Code, Section 843(b).
13

14 **COUNT FIVE**
15 (Vio. 21 USC 841(a)(1))

16 That on or about May 11, 1991, within the District of Idaho,
17 **PETER CHARLES ACUNA**, defendant herein, did knowingly and
18 intentionally distribute marijuana, a Schedule I Controlled
19 Substance, to Idaho Bureau of Narcotics Agent Dave Kynoch, in
20 violation of Title 21, United States Code, Section 841(a)(1).

21 **COUNT SIX**
22 (Vio. 21 USC 841(a)(1); 841(b)(1)(B))

23 That on or about May 11, 1991, within the District of Idaho,
24 **ROBERT VICKERY** and **RENEE LYNN WHITE**, aka **RENEE LYNN VICKERY**,
25 defendants herein, did knowingly and intentionally possess 100

1 grams or more of a mixture or substance containing a detectable
2 amount of methamphetamine, a Schedule II Controlled Substance, with
3 the intent to distribute, in violation of Title 21, United States
4 Code, Sections 841(a)(1) and 841(b)(1)(B).

5

6 COUNT SEVEN
7 (Vio. 21 USC 841(a)(1))

8 That on or about May 11, 1991, within the District of Idaho,
9 ROBERT VICKERY and RENEE LYNN WHITE, aka RENEE LYNN VICKERY,
10 defendants herein, did knowingly and intentionally possess
11 marijuana, a Schedule I Controlled Substance, with the intent to
12 distribute, in violation of Title 21, United States Code, Section
13 841(a)(1).

14

15 COUNT EIGHT
16 (Vio. 18 USC 924(c)(1))

17 That on or about May 11, 1991, within the District of Idaho,
18 PETER CHARLES ACUNA, defendant herein, knowingly used and/or
19 carried a firearm, that is: a 9mm Browning Hi-Power semi-automatic
20 pistol, during and in relation to the drug trafficking crimes
21 described in Counts 1, 5, 10, 11, 12 and 13 hereof, in violation
22 of Title 18, United States Code, Section 924(c)(1).

23

24 COUNT NINE
25 (Vio. 18 USC 922(g)(1))

26 That on or about May 11, 1991, within the District of Idaho,
27 PETER CHARLES ACUNA, defendant herein, did unlawfully possess, in

28 **INDICTMENT - PAGE 8**

1 or affecting commerce, a firearm, namely: a 9mm Browning Hi-Power
2 semi-automatic pistol, said ACUNA having previously been convicted
3 of crimes punishable by imprisonment for a term exceeding one year,
4 to wit: on or about December 28, 1976, in Eldorado County Superior
5 Court, California, for the crime of Assault With a Deadly Weapon;
6 on or about July 22, 1977, in Sacramento County Superior Court,
7 California, for the crime of Forgery; and/or on or about May 11,
8 1981, in Clark County, Washington, for the crimes of robbery in the
9 first degree, assault in the second degree and possession of stolen
10 property; all in violation of Title 18, United States Code, Section
11 922(q)(1).

COUNT TEN
(Vio. 21 USC 841(d)(2))

That on or about May 11, 1991, within the District of Idaho,
PETER CHARLES ACUNA, defendant herein, did willfully and
intentionally possess a listed chemical, namely: hydriodic acid,
knowing, or having reasonable cause to believe that the hydriodic
acid would be used to manufacture methamphetamine, in violation of
Title 21, United States Code, Section 841(a)(1), all in violation
of Title 21, United States Code, Section 841(d)(2).

COUNT ELEVEN

That on or about May 11, 1991, within the District of Idaho,
PETER CHARLES ACUNA, defendant herein, did willfully and
intentionally possess a listed chemical, namely: ephedrine,

INDICTMENT - PAGE 9

1 knowing, or having reasonable cause to believe that the ephedrine
2 would be used to manufacture methamphetamine, in violation of Title
3 21, United States Code, Section 841(a)(1), all in violation of
4 Title 21, United States Code, Section 841(d)(2).

5

6 COUNT TWELVE
7 (Vio. 21 USC 841(d)(2))

8 That on or about May 11, 1991, within the District of Idaho,
9 PETER CHARLES ACUNA, defendant herein, did willfully and
10 intentionally possess a listed chemical, namely: methylamine,
11 knowing, or having reasonable cause to believe that the methylamine
12 would be used to manufacture methamphetamine, in violation of Title
13 21, United States Code, Section 841(a)(1), all in violation of
14 Title 21, United States Code, Section 841(d)(2).

15

16 COUNT THIRTEEN
17 (Vio. 21 USC 841(d)(2))

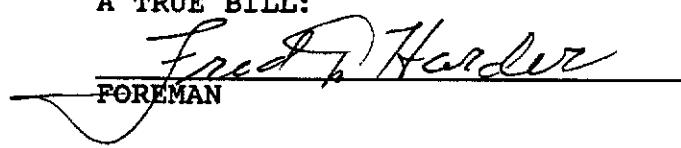
18 That on or about May 11, 1991, within the District of Idaho,
19 PETER CHARLES ACUNA, defendant herein, did willfully and
20 intentionally possess a listed chemical, namely: phenylacetic acid,
21 knowing, or having reasonable cause to believe that the methylamine
22 would be used to manufacture methamphetamine, in violation of Title
23 21, United States Code, Section 841(a)(1), all in violation of
24 Title 21, United States Code, Section 841(d)(2).

25

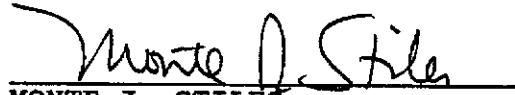
26

27 INDICTMENT - PAGE 10

28

1 A TRUE BILL:
2 
3 FOREMAN
4

5 MAURICE O. ELLSWORTH
6 United States Attorney

7 
8 MONTE J. STILES
9 Assistant United States Attorney

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27 INDICTMENT - PAGE 11
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M2255, TERMED

**U.S. District Court
District of Idaho (LIVE Database) Version 3.0.5 (Boise)
CRIMINAL DOCKET FOR CASE #: 1:91-cr-00056-HLR All Defendants
Internal Use Only**

Case title: USA v. Acuna, et al

Date Filed: 08/16/1991

Date Terminated: 05/12/1994

Assigned to: Honorable Harold L. Ryan

Defendant**Peter Charles Acuna (1)**

TERMINATED: 07/09/1992

Pending Counts**Disposition**

None

Highest Offense Level (Opening)

None

Terminated Counts**Disposition**

None

Highest Offense Level (Terminated)

None

Complaints**Disposition**

None

Assigned to: Honorable Harold L. Ryan

Appeals court case number: 98-35038

Defendant**Robert Vickery (2)**

TERMINATED: 07/09/1992

represented by **Michael J Flanagan**

PENLAND & MUNTHER

PO Box 199

Boise, ID 83701

(208) 344-4566
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Pending Counts

None

Disposition**Highest Offense Level (Opening)**

None

Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**

None

Complaints

None

Disposition

Assigned to: Honorable Harold L. Ryan
Appeals court case number: 98-35040

Defendant

Renee Lynn White (3)
TERMINATED: 07/09/1992
also known as
Renee Lynn Vickery

represented by Michael J Flanagan
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Pending Counts

None

Disposition**Highest Offense Level (Opening)**

None

Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**

None

Complaints

None

Disposition

Assigned to: Honorable Harold L. Ryan

Defendant

Sandra Ann Marshal (4)
TERMINATED: 04/14/1994
also known as
Sandra Ann Acuna

represented by **Kenneth D Roberts**
ROBERTS & ROBINSON
1024 E Belmont St
Caldwell, ID 83605
(208) 454-2531
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Pending Counts

None

DispositionHighest Offense Level (Opening)

None

Terminated Counts

None

DispositionHighest Offense Level (Terminated)

None

Complaints

None

Disposition

Assigned to: Honorable Harold L. Ryan

Defendant

Mark Douglas Pirtle (5)
TERMINATED: 05/12/1994

represented by **Michael J Brennan**
USA Law School
Pocat Conviction Justice Project
Los Angeles, CA 90089-0071
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

David D Manweiler
 MANWEILER MANWEILER BREEN
 & BALL PLLC
 PO Box 937
 Boise, ID 83701-0937
 (208) 424-9100
 Fax: (208) 424-3100
TERMINATED: 06/05/1995
Designation: CJA Appointment

Pending Counts

21:846 NARCOTICS-SELL,
 DISTRIBUTE, OR DISPENSE
 (1)

18:924 FIREARMS use in drug
 trafficking
 (9)

Disposition

151 mons. imprisonment on Ct 1; 60
 mons. imprisonment on Ct 9; 5 yrs.
 supervised release; \$010 special
 assessment

151 mons. imprisonment on Ct 1; 60
 mons. imprisonment on Ct 9; 5 yrs.
 supervised release; \$010 special
 assessment

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Plaintiff

USA

Date Filed	#	Docket Text
12/12/1991	92	SUPERSEDING INDICTMENT; counts filed against Mark Douglas Pirtle (5) count(s) 1, 9 (cd) (Entered: 02/02/1994)

01/07/1994	216	MANDATE from Circuit Court of Appeals Affirming district court as to Dfts' Renee Vikery and Robert Vicekry. Vacating and remanding for sentencing as to Dft. Pirtle. (cc: all parties) (cd) (Entered: 02/02/1994)
01/07/1994		(Court only) Docket Modification (Utility) case reopened by mandate of 2/7/94 (cd) (Entered: 02/02/1994)
01/17/1994		(Court only) Docket Modification (Utility) Placed Counts for Def. Pirtle in P5-awaiting sentencing- pursuant to Mandate from 9th Circuit (dcap) (Entered: 06/01/1994)
01/20/1994	217	MANDATE from Circuit Court of Appeals Affirming District Court as to Dft. Acuna. (cc: all parties) (cd) (Entered: 02/02/1994)
02/08/1994	218	ORDER by Honorable Harold L. Ryan Appointing David Manweiler as Atty for Def. Pirtle (Nunc Pro Tunc 1.8.94) (sb) (Entered: 02/09/1994)
02/08/1994	219	ORDER by Honorable Harold L. Ryan sentencing hearing set for 10:00 AM, on 4/12/94 for Mark Douglas Pirtle; Marshals are to ensure Def's Appearance; U.S. Probation to Prepare Pre-Sentence Report. (cc: all parties) (sb) (Entered: 02/09/1994)
03/16/1994	220	MOTION to vacate & Cont. Sent. Hearing by Def. Pirtle (sb) (Entered: 03/29/1994)
03/16/1994	221	AFFIDAVIT of David D. Manweiler in Support of Mot. to Vacate & Cont. Sentencing Hearing. [220-1] (sb) (Entered: 03/29/1994)
04/04/1994	222	ORDER by Honorable Harold L. Ryan granting motion to vacate & Cont. Sent. Hearing [220-1] ; sentencing hearing reset for 4:30 PM on 5/12/94 for Def. Pirtle before Judge Ryan (cc: all parties) (sb) (Entered: 04/06/1994)
04/14/1994	223	MOTION of USA & ORDER by Honorable Harold L. Ryan case dismissed as to Def. Sandra Marshall (cc: all parties) (sb) (Entered: 05/11/1994)
05/05/1994	224	NOTICE of hearing sentencing hearing reset for 10:00 AM, on 5/12/94 for Mark Douglas Pirtle before HLR in Boise (cc: all parties) (sb) (Entered: 05/11/1994)
05/12/1994	225	MINUTES: before Honorable Harold L. Ryan sentencing of Def. Pirtle to cts 1&9 . 151 mons. imprisonment on Ct 1; 60 mons. imprisonment on Ct 9; 5 yrs. supervised release; \$100 special assessment (sb) (Entered: 05/27/1994)
05/12/1994		(Court only) Docket Modification (Utility) case terminated (sb) (Entered: 05/27/1994)
05/12/1994	226	JUDGMENT as to Mark Douglas Pirtle by Honorable Harold L. Ryan (cc: all parties) ; Book 16 Page 039 (sb) (Entered: 05/27/1994)
05/12/1994	227	FINDINGS of fact and STATEMENT of Reasons re Def. Pirtle by Honorable Harold L. Ryan (cc: all parties) (sb) (Entered: 05/27/1994)

06/24/1994		RECEIPT as to Renee Lynn White - Receipt # 8856, \$ 150.00 for Fine - No balance available. (ct) (Entered: 06/29/1994)
09/20/1994	228	ORDER by Honorable Harold L. Ryan Amending Judgment re Def. Vickery. [226-1] (cc: all parties) (sb) (Entered: 10/11/1994)
09/28/1994	229	AMENDED JUDGMENT as to Def. Vickery by Honorable Harold L. Ryan (cc: all parties) ; Book 16 Page 105 (sb) (Entered: 10/11/1994)
06/09/1995	230	ORDER by Honorable Edward J. Lodge Amending Judgment as to Def. Renee White (cc: all parties) (sb) (Entered: 08/03/1995)
06/09/1995	231	AMENDED JUDGMENT as to Renee Lynn White by Honorable Edward J. Lodge (cc: all parties) ; Book 17 Page 064 (sb) (Entered: 08/03/1995)
12/06/1996	232	PETITION for Writ 28:2255 by Mark Douglas Pirtle filed as Civil Case # 96-541-S-BLW (sb) (Entered: 03/17/1997)
12/06/1996	233	MEMORANDUM in support of Pursuant to 28:2255 petition [232-1] (sb) (Entered: 03/17/1997)
03/17/1997	234	NOTICE of Filing and Briefing Schedule re 28:2255 Motion of Def. Pirtle [232-1] (cc: all parties) (sb)
04/02/1997	235	MOTION for Extension of Time to file response to 28:2255 Motion of Def. Pirtle by USA (sb) (Entered: 04/08/1997)
04/10/1997	236	ORDER by Honorable B. Lynn Winmill granting motion for Extension of Time to file response to 28:2255 Motion of Pirtle [235-1] until 8.1.97 (cc: all parties) (sb) (Entered: 04/15/1997)
04/18/1997	237	MOTION for Enlargement of Time by Def. Acuna (sb)
04/21/1997	238	PETITION for Writ 28:2255 by Robert Vickery filed as Civil Case # 97-161-S-BLW (sb) (Entered: 04/22/1997)
04/21/1997	239	MEMORANDUM of Points and Authorities in Support of Motion Pursuant to 28:2255 re Def. Robert Vickery [238-1] (sb) (Entered: 04/22/1997)
04/21/1997	240	PETITION for Writ 28:2255 by Renee Lynn White filed as Civil Case # 97-162-S-BLW (sb) (Entered: 04/22/1997)
04/21/1997	241	MEMORANDUM of Points and Authorities in support of Motion Pursuant to 28:2255 petition re Def. Renee White [240-1] (sb) (Entered: 04/22/1997)
04/22/1997	242	APPLICATION and ORDER for Admission Pro Hac Vice re Hugo Torbet as atty for def. Robert Vickery and Renee White for purpose of 2255 Petitions (sb)
04/22/1997	243	NOTICE of Filing and Briefing Schedule re 28:2255 Motion of Def. Robert Vickery. (sb)

04/22/1997	244	NOTICE of Filing and briefing Schedule regarding 28:2255 Motion of Def. Renee White. (sb)
05/15/1997	245	RESPONSE by USA to 28:2255 Petition of Def. Vickery [238-1] (sb) (Entered: 05/16/1997)
05/15/1997	246	AFFIDAVIT of Monte J. Stiles filed in support of response to 28:2255 Petition of Def. Vickery [245-1] (sb) (Entered: 05/16/1997)
05/15/1997	247	RESPONSE by USA to 28:2255 Petition of Def. White [240-1] (sb) (Entered: 05/16/1997)
05/15/1997	248	AFFIDAVIT of Monte J. Stiles filed in support of response to 28:2255 Petition of Def. White [247-1] (sb) (Entered: 05/16/1997)
05/15/1997	249	ORDER by Honorable B. Lynn Winmill granting motion for Extension of Time to file response to 28:2255 Motion of Pirtle [235-1] (cc: all parties) (sb) (Entered: 06/26/1997)
05/28/1997	251	TRAVERSE by def Vickery re Govt's Response to 2255 Motion [245-1] (sb) Modified on 06/26/1997
05/28/1997	250	TRAVERSE by def White re Govt's Response to 2255 Motion [247-1] (sb)
07/30/1997	252	RESPONSE by USA to Motion of Def. Pirtle under 28 USC 2255 [232-1] (sb) (Entered: 07/31/1997)
07/30/1997	253	AFFIDAVIT of Monte J. Stiles in support of response to Def. Pirtle's 2255 Motion [252-1] (sb) (Entered: 07/31/1997)
07/30/1997	254	RESPONSE by USA to Petitioner's Vickery & White Traverses re 28:2255 Petitions [250-1][251-1] (sb) (Entered: 07/31/1997)
07/30/1997	255	AFFIDAVIT of Monte J. Stiles filed in support of response [254-1] (sb) (Entered: 07/31/1997)
08/18/1997	256	REPLY by def Vickery and White to United States Response to Petitioner's Traverse re 28 USC 2255 Petition [254-1] (sb)
08/18/1997	257	EX PARTE APPLICATION by defendant Pirtle for an Extension of Time to File Reply Brief to Govt. Response to 28 USC 2255 Petition. (sb) (Entered: 08/27/1997)
08/29/1997	258	REPLY by def Pirtle to Govt's Response to 28 USC 2255 Petition [252-1] (sb)
09/25/1997	259	ORDER by Honorable B. Lynn Winmill denying 28:2255 petition [240-1][238-1] re Def's Vickery & White; ORDER Dismissing Civil proceedings(cc: all parties) (sb) (Entered: 09/26/1997)
11/19/1997	260	APPEAL Notice to USCA by defendant Robert Vickery re [259-1] fees 105.00 (cc: all parties) (rr)

11/19/1997	261	APPEAL Notice to USCA by defendant Renee Lynn White re [259-1] fees 105.00 (cc: all parties) (rr)
12/11/1997	262	ORDER Granting Permission to Appeal for as to Robert Vickery, Renee Lynn White (cc: all parties) (rr)
12/11/1997		Appeals packet to 9th Circuit; Attys. (rr)
12/11/1997		Appeals packet to 9th Circuit; Attys. (rr)
01/21/1998		RE APPEAL [260-1] filed on 11/19/97; Appeal number 98-35038 received from USCA (dcap) (Entered: 06/26/2000)
01/21/1998		RE APPEAL [261-1] filed on 11/19/97; Appeal number 98-35040 received from USCA (dcap) (Entered: 06/26/2000)
05/11/1998		CLERK'S record on appeal sent to 9CCA. Sent 4 Volume(s) and 17 Volumes of Transcripts. (rr)
12/23/1998	263	APPLICATION by def Pirtle for Permission for Parties to File Supplemental briefs (sb) (Entered: 12/24/1998)
01/15/1999	264	ORDER by Honorable B. Lynn Winmill granting Def Pirtle's request [263-1] to file additional briefs re 2255 Petition (cc: all parties) (sb) (Entered: 01/19/1999)
04/12/1999	265	MOTION to Inspect Grand Jury Minutes by Robert Vickery (sb)
04/12/1999	266	MEMORANDUM in support of motion to Inspect Grand Jury Minutes [265-1] (sb)
04/19/1999	267	RESPONSE by USA to motion of Robert Vickery to Inspect Grand Jury Minutes [265-1] (sb) (Entered: 04/21/1999)
04/30/1999	268	OPPOSITION by def Vickery to Govt's Response to Motion to Inspect Grand Jury Minutes [265-1] (sb)
05/03/1999	269	ORDER by Honorable B. Lynn Winmill for briefing schedule re Def Pirtle's 2255 Petition [232-1]; Pirtle's brief shall be filed by 6/4/99, response by 7/2/99 and final reply brief due 7/16/99; Atty Michael Brennan substituted as counsel for def Pirtle (cc: all parties) (sb) (Entered: 05/10/1999)
06/03/1999	270	SUPPLEMENTAL MEMORANDUM by def Pirtle in support of Motion to vacate sentence of a person in federal custody pursuant to 28:2255 [232-1] (sb)
07/01/1999	271	RESPONSE by USA to Supplemental Memorandum of Def. Pirtle in Support of Petitioner's 28 USC 2255 Petition [270-1] (sb) (Entered: 07/02/1999)
07/16/1999	272	RESPONSE by def Pirtle to Govt's Reply to Supplemental Memorandum in Support of Petitioner's 28 USC 2255 Petition [271-1] (sb)

07/27/1999	<u>273</u>	REPLY by USA to Petitioner's 7/14/99 response to Govt's reply to supplemental memorandum in support of Def Pirtle's 28 USC 2255 Petition [232-1] (sb) (Entered: 08/05/1999)
08/13/1999	<u>274</u>	MEMORANDUM DECISION by Honorable B. Lynn Winmill denying 28:2255 petition of Def. Pirtle [232-1] [257-1] (cc: all parties) (sb) (Entered: 08/16/1999)
08/13/1999	<u>275</u>	JUDGMENT dismissing 2255 Petition of Def Pirtle by Honorable B. Lynn Winmill (cc: all parties) (JUDGMENT SCANNED) (sb) (Entered: 08/16/1999)
09/17/1999	<u>276</u>	CERTIFICATE OF Appealability by Honorable B. Lynn Winmill (cc: all counsel) (rr) (Entered: 09/20/1999)
10/25/1999	<u>277</u>	APPEAL Notice to USCA by defendant Mark Douglas Pirtle re [275-1] fees Fees not paid (cc: all parties) (rr)
10/25/1999	<u>278</u>	APPLICATION for Certificate of Appealability by Mark Douglas Pirtle (rr)
08/08/2000	<u>279</u>	MANDATE from Circuit Court of Appeals affirming the decision of the District Court on appeal [261-1], affirming the decision of the District Court on appeal [260-1] (cc: all parties) (rr)
03/12/2001	<u>280</u>	ORDER granting motion for Certificate of Appealability [278-1] (cc: all parties) (rr) (Entered: 03/13/2001)
03/13/2001		Appeals packet to 9th Circuit; Attys. (rr)
10/24/2001		CLERK'S record on appeal sent to 9CCA. Sent 4 Volume(s) (rr)
02/12/2002		APPEAL Record returned by USCA as to defendant Mark Douglas Pirtle re [277-1] (rr)
02/12/2002	<u>281</u>	MANDATE from Circuit Court of Appeals affirming the decision of the District Court on appeal [277-1] (cc: all parties) (rr)
02/09/2005		(Court only) ***Motions terminated as to Peter Charles Acuna: [237] Motion for Extension of Time to File filed by Peter Charles Acuna,, Docket #249 (mp,)
12/20/2005	<u>282</u>	Remark-A motion to vacate, set aside or correct sentence by a person in Federal Custody 28 USC 2255 was filed in Civil Case 05-517-S-EJL. All docketing will be done in CV 05-517-S-EJL as to Peter Charles Acuna (Attachments: # <u>1</u> Exhibit # <u>2</u> Exhibit) (dkh,) (Entered: 12/21/2005)
12/29/2005	<u>283</u>	ORDER that Petitioner's Motion to vacate, set aside or correct sentence pursuant to 28 USC 2255 is denied; Petitioner's motion for appointment of counsel is denied as moot; Petitioner's civil case associated with this 2255 motion is dismissed in its entirety (CV 05-517-S-EJL) as to Peter Charles Acuna re <u>282</u> (Notice sent to USM) . Signed by Judge Edward J. Lodge. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by ja,)

12/29/2005	• <u>284</u>	ORDER that Petitioner take nothing from the respondent and the civil case associated with this matter shall be dismissed in its entirety (CV 05-517-S-EJL) as to Peter Charles Acuna re <u>283</u> Order (Notice sent to USM) . Signed by Judge Edward J. Lodge. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by ja,)
07/30/2007	• <u>285</u>	Probation Jurisdiction Transferred to Northern District of California Transmitted Transfer of Jurisdiction form, with certified copies of indictment, superseding indictment, judgment and docket sheet. (Notice sent to USP) (dks,)
07/30/2007	• <u>286</u>	LETTER from Darlene Smith as to Mark Douglas Pirtle (dks,)